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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,898	08/01/2003	Philip Kwan	FOUND-0057 (034103-048)	9803

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EXAMINER	
CHAN, SAI MING	

ART UNIT	PAPER NUMBER
2616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/631,898	KWAN, PHILIP	
	Examiner	Art Unit	
	Sai-Ming Chan	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/30/07 and 12/3/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Roese et al. (U.S. Patent Publication # 20030217151),** in view of **Keeler et al. (U.S. Patent Publication # 20070220596).**

Consider **claims 1, 30** and **31,** Roese et al. clearly disclose and show a method for providing multiple access modes (paragraph 50 (multiple access points)) in a data communications network (paragraph 8 (data network)), comprising: (a) sensing a user device (fig. 2 (step 210), paragraph 69, lines 7-10) coupled to a port of a network access device; (b) determining if said user device supports a user authentication protocol (paragraph 100 (802.1x to authenticate user for network access control)); and (c) placing said port into a semi-authorized access state (fig. 5 (steps 520, 525 (steps 520, 525, and 530 (not authenticated - access at selectable level option)); paragraph 112, lines 17-25); wherein said semi-authorized access state limits access (fig. 5 (step 530 - access at selectable service levels)) by said user device to a pre-configured network accessible (fig. 5 (step 530 - access at selectable level option)) via the data communications network.

However, Roese et al. do not specifically disclose that the user device does not support said user authentication protocol.

In the same field of endeavor, Keeler et al. clearly show the user device does not support said user authentication protocol (fig. 4 (212,222), paragraphs 0067-0068 (select default network for unknown id)).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to demonstrate a method for providing multiple access modes, as taught by Roese, and add the non-support of said user authentication protocol by a user device as taught by Keeler, so that network access can be performed smoothly.

Consider **claim 11,** Roese et al., as modified by Keeler et al., clearly disclose and show a network access device for providing multiple access modes, comprising: a plurality of input ports (fig.8 (106a & i), paragraph 27); a plurality of output ports (fig.8 (106g & f), paragraph 27); a switching fabric (fig. 1(136 – switching device), paragraph 27) for routing data received on said plurality of input ports to at least one of said plurality of output ports; and control logic (paragraph 100 (802.1x to authenticate user for network access control)) adapted to determine whether a user device coupled to one of said plurality of input ports supports a user authentication protocol (paragraph 100 (802.1x to authenticate user for network access control)) used by a host network, and to place said one of said input ports in a semi-authorized access state (fig. 5 (step 530 - access at selectable service levels); wherein said semi-authorized access state limits access (fig. 5 (step 530 - access at selectable service levels) by said user device to a

pre-configured network (fig. 5 (step 530 - access at selectable service levels) accessible via said host network.

However, Roese et al. do not specifically disclose that the user device does not support said user authentication protocol.

In the same field of endeavor, Keeler et al. clearly show the user device does not support said user authentication protocol (fig. 4 (212,222), paragraphs 0067-0068 (select default network for unknown id)).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to demonstrate a method for providing multiple access modes, as taught by Roese, and add the non-support of said user authentication protocol by a user device as taught by Keeler, so that network access can be performed smoothly.

Consider **claim 20,** Roese et al., as modified by Keeler et al., clearly disclose and show a network system, comprising: a host network that uses a user authentication protocol(paragraph 100 (802.1x to authenticate user for network access control); a network access device (fig. 8 (114g & f), paragraph 136 (entry device)) communicatively coupled to said host network; and a user device (fig. 2 (step 210), paragraph 69, lines 7-10) coupled to a port (fig.8 (106a & i), paragraph 27) of said network access device; wherein said network access device is adapted to determine whether said user device supports said user authentication protocol (paragraph 100 (802.1x to authenticate user

for network access control) and to place said port in a semi-authorized access state (fig. 5 (step 530 - access at selectable service levels); and wherein said semi-authorized access state limits access (fig. 5 (step 530 - access at selectable service levels) by said user device to a pre-configured network (fig. 5 (step 530 - access at selectable service levels) accessible via said host network.

However, Roese et al. do not specifically disclose that the user device does not support said user authentication protocol.

In the same field of endeavor, Keeler et al. clearly show the user device does not support said user authentication protocol (fig. 4 (212,222), paragraphs 0067-0068 (select default network for unknown id)).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention to demonstrate a method for providing multiple access modes, as taught by Roese, and add the non-support of said user authentication protocol by a user device as taught by Keeler, so that network access can be performed smoothly.

Consider **claim 2,** and **as applied to claim 1 above,**

claim 12, and **as applied to claim 11 above,**

claim 21, and **as applied to claim 20 above,**

Roese et al., as modified by Keeler et al., clearly disclose and show a method, wherein said pre-configured network comprises a Voice over Internet Protocol (VoIP) network (paragraph 94, lines lines 1-6 (VOIP handsets)).

Consider **claim 3,** and **as applied to claim 1 above,**
claim 13, and **as applied to claim 11 above,**
claim 22, and **as applied to claim 20 above,**
Roese et al., as modified by Keeler et al., clearly disclose and show a method, wherein said pre-configured network comprises the Internet (fig. 8 (148 internet), paragraph 82, lines 9-11).

Consider **claim 4,** and **as applied to claim 1 above,**
claim 14, and **as applied to claim 11 above,**
claim 23, and **as applied to claim 20 above,**
Roese et al., as modified by Keeler et al., clearly disclose and show a method, wherein said pre-configured network comprises a low security (paragraph 15 (password), paragraph 74 (RADIUS, 802.1x for authentication)) virtual local area network (paragraph 94, lines lines 1-6 (VLAN)).

Consider **claim 5,** and **as applied to claim 1 above,**
claim 15, and **as applied to claim 11 above,**
claim 24, and **as applied to claim 20 above,**
Roese et al., as modified by Keeler et al., clearly disclose and show a method, wherein step (c) comprises selectively placing said port into one of a plurality of semi-authorized access states (fig. 5 (step 530 - access at selectable service levels); paragraph 112, lines 17-25).

Consider **claim 6,** and **as applied to claim 5 above,**
claim 16, and **as applied to claim 15 above,**
claim 25, and **as applied to claim 24 above,**
Roese et al., as modified by Keeler et al., clearly disclose and show a method, wherein step (c) comprises: (1) determining a type of said user device(fig. 2 (step 210), paragraph 69, lines 7-10) ; and (2) selectively placing said port into one of a plurality of semi-authorized access states (fig. 5 (step 530 - access at selectable service levels); paragraph 112, lines 17-25) based on said type of said user device.

Consider **claim 7,** and **as applied to claim 6 above,**
claim 17, and **as applied to claim 16 above,**
claim 26, and **as applied to claim 25 above,**
Roese et al., as modified by Keeler et al., clearly disclose and show a method, wherein step (2) comprises selectively placing said port into a semi-authorized access state that limits access by said user device to a pre-configured network comprising a Voice over Internet Protocol (VoIP) network (paragraph 94, lines lines 1-6 (VOIP handsets)).

Consider **claim 8,** and **as applied to claim 6 above,**
claim 18, and **as applied to claim 16 above,**
claim 27, and **as applied to claim 25 above,**
Roese et al., as modified by Keeler et al., clearly disclose and show a method, wherein step (2) comprises selectively placing said port into a semi-authorized access state that

limits access by said user device to a pre-configured network comprising the Internet (fig. 8 (148 internet), paragraph 82, lines 9-11) if said user device is a portable computing device (paragraph 52 (personal digital assistant or laptop computer)).

Consider **claim 9,** and **as applied to claim 1 above,**
claim 19, and **as applied to claim 11 above,**
claim 28, and **as applied to claim 20 above,**
Roese et al., as modified by Keeler et al., clearly disclose and show a method, wherein said user authentication protocol is IEEE 802.1x (paragraph 74, page 9, lines 3-7 (IEEE 802.1x)).

Consider **claim 10,** and **as applied to claim 1 above,**
claim 29, and **as applied to claim 20 above,**
Roese et al., as modified by Keeler et al., clearly disclose and show a method, wherein said network access device comprises a network switch (paragraph 95, lines 1-8 (network switches)).

Response to Amendment

Applicant's arguments filed on December 13, 2007, with respect to claims1-29, on page 9 and through page 13 of the remarks, have been fully considered but they are moot in view of the new ground(s) of rejection necessitated by the new limitations added to claims 1-29. See the above rejections of claims 1-29 for the relevant interpretation and citations found in Keeler et al., disclosing the newly added limitations.

Conclusion

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to Sai-Ming Chan whose telephone number is (571) 270-1769. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Seema S. Rao 2/19/08
SEEMA S. RAO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Sai-Ming Chan
S.C./ sc

February 14, 2008